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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,370	04/13/2000	Michael Brader-Araje	9144-5	8285
20792	7590	12/27/2005		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 12/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/549,370	Applicant(s) BRADER-ARAJE ET AL.	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-54 is/are pending in the application.
- 4a) Of the above claim(s) 10-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9 and 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-2, 4-6, 8-9 and 54 are current rejected in the instant application under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 8-9 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rackson (U.S. Patent No. 6425,270) in view of Freivald (U.S. Patent No. 5,898,836) in further view of Ng (U.S. Patent No. 6,405,175).

Referring to claims 1-2, 4-6, 8-9 and 54. Rackson discloses a method of updating information maintained at an intermediary web site (Rackson: at least Figure 11, "Multi Auction Service") on a computer network (Rackson: at least column 6, lines 44-47) about items being auctioned at a plurality of remotely located auction sites (Rackson: at least Figure 11, "Remote Auction Sites") on the computer network, wherein the information is displayable to users accessing the intermediary web site via the computer network (Rackson: at least column 23, lines 35-55), the method comprising:

- Obtaining auction item data that has changed since a previous time for auctions currently being conducted at the respective auction sites, wherein each auction

site includes a data engine (Rackson: at least column 8, line 64 to column 9, line 3, "Processor Means") that is configured to obtain data about each item currently being auctioned at the respective auction site (Rackson: at least column 12, line 47 to column 13, line 5), and wherein the intermediary web site includes an agent that is configured to communicate with and retrieve auction item data from each auction site data engine (Rackson: at least column 2, lines 36-45), comprising:

- Establishing an *Internet* connection between the agent and each respective data engine (Rackson: at least column 12, lines 34-46); and
- Sending a request from the agent to each respective data engine via the *Internet* connection to obtain auction item data that has changed since a previous time (Rackson: at least column 12, line 47 to column 13, line 5);

Rackson does not explicitly disclose a method of updating information maintained at an intermediary web site, the method comprising:

- Extracting keywords from the obtained item data; and
- Storing the extracted keywords, wherein the stored keywords are searchable by users accessing the intermediary web site.

Freivald discloses a method of updating information maintained at an intermediary web site (Freivald: at least column 3, line 64 to column 4, line 21) via the transmission of TCP/IP packets (Freivald: at least column 17, lines 52-54). The method comprises obtaining data that has changed (Freivald: at least column 7, lines 35-39);

extracting keywords from the data (Freivald: at least 7, lines 9-12); and storing the keywords (Freivald: at least column 6, lines 32-46).

Freivald discloses cyclic redundancy checking (CRC) as a preferred technique in periodically (Freivald: at least column 6, lines 51-52) assessing current data resident in a remote site in comparison to previously stored data resident in an intermediary site (Freivald: at least column 6, lines 32-46).

Although Freivald discloses that “[s]ource document **30** could be any one of millions of HTML documents on the thousands of web servers connected to the Internet” (Freivald: at least column 10, lines 9-11), Freivald does not disclose that the data is auction item data.

Ng, however, teaches that the Freivald invention can be used to periodically and automatically search an online auction site for a particular item and price (Ng: at least column 2, lines 31-36).

It would have been obvious to one of ordinary skill in the art to have incorporated the invention of Freivald in a method for updating and searching auction item data (as taught by Ng) because Ng explicitly establishes that such combination is desirable for this purpose and is within the level of skill in the art.

Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system and method of Rackson to have included the teachings of Freivald in view Ng, because Rackson explicitly

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establishes that bid changes should be immediately communicated to the bidder without the bidder having to manually refresh a browser (Rackson: column 26, lines 30-35).

The Examiner notes, Rackson further discloses a method wherein obtaining auction item data that has changed since a previous time is performed at predetermined time intervals (Rackson: column 7, lines 18-37).

Response to Arguments

Applicant's arguments with respect to all the claims have been considered but are moot in view of the new ground(s) of rejection.

The Applicant remarks, Freivald fails to teach or suggest the steps of extracting keywords and storing the extracted keywords as defined in the present application and recited in Claim 1.

The Examiner notes, the Applicant defines and uses a Keyword, as a word that is extracted from auction item data and associated with an item (Page 5, Applicant's Specification as Filed). This is equivalent to the method as defined by Freivald, whereby often a user is only interested in a small part of a document, rather than the whole document.

A user might be interested only in one contact or phone number on a list of hundreds of phone numbers for an office, or only one product line in a long list of products. It is desirable to allow the user to specify only the portion of a document or web page that is of interest (Freivald: col. 3, lines 42-47). In the method defined by Freivald the user highlights a significant or descriptive word that is used as a reference point for finding information. By the definition provided by the applicant, this is a Keyword.

The Examiner further notes, once Freivald extracts the relevant Keywords, a software tool automatically retrieves files and compares the retrieved files to an archived (stored) checksum of the file to determine if a change in the file (change in

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keywords) has occurred (Freivald: column 6, lines 20-31). These archived words are stored in database **16** (Freivald: column 7, lines 1-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MSG
Patent Examiner
December 22, 2005